

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC., <i>et al.</i>)	Case No. 08-35653-KRH
)	
Debtors.)	Jointly Administered
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PREMIER CONTRACTING, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
CIRCUIT CITY STORES, INC.,)	
)	
Defendant.)	
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CONSENT ORDER MODIFYING THE AUTOMATIC STAY

THIS MATTER having come before the Court on Premier Contracting, Inc.’s (“Premier”) Motion for Relief from the Automatic Stay (Docket No. 4386)(the “Motion”), which requested that Premier be granted relief from the automatic stay to allow Premier to initiate certain litigation or join litigation to be filed by Cleveland Construction, Inc., to enforce its mechanic’s lien as a subcontractor in the construction of Circuit City Store Number 4220, Merriam Village Shopping Center, 6030 Eby Street, Merriam, Kansas (the “Property”), and with the parties having reached an agreement with respect to the Motion,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The automatic stay provided in 11 U.S.C. § 362 is hereby modified for the limited purpose of allowing Premier to file and prosecute a lawsuit in the state court of Kansas, to assert and enforce its mechanic’s lien on the Property (the “Lawsuit”);

2. Except for asserting a state law lien against the Debtor's rights, if any, in the lease between the Debtor and Coventry II DDR Merriam Village, LLC, Premier shall not seek to execute upon or attach any property of the bankruptcy estate without further order of this Court;

3. The automatic stay provided in 11 U.S.C. § 362 shall remain in full force and effect except as specifically provided herein; and

4. The ten (10) day stay provided for by Federal Bankruptcy Procedure 4001(a)(3) is hereby waived.

Dated: _____

UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ William A. Gray

William A. Gray, Esq. (VSB No. 46911)
C. Thomas Ebel, Esq. (VSB No. 18637)
W. Ashley Burgess (VSB No. 67998)
Sands, Anderson, Marks & Miller, P.C.
801 East Main Street, Suite 1800
Richmond, Virginia 23219
Phone: (804) 648-1636
Facsimile: (804) 783-7291
bgray@sandsanderson.com
tebel@sandsanderson.com
lhudson@sandsanderson.com

Counsel for Hillson Electric, Inc.

SEEN AND AGREED:

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
P.O. Box 636
Wilmington, Delaware 19899-0636
(302) 651-3000

- and -

Chris L. Dickerson, Esq.
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
333 West Wacker Drive
Chicago, Illinois 60606
(312) 407-0700

- and -

/s/ Douglas M. Foley
MC GUIREWOODS LLP
Dion W. Hayes (VSB No. 34304)
Douglas M. Foley (VSB No. 34364)
One James Center
901 E. Cary Street
Richmond, Virginia 23219
(804) 775-1000

Counsel for Debtors and Debtors in Possession

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ William A. Gray

Copies to:

Daniel F. Blanks, Esquire
Douglas M. Foley, Esquire
McGuire Woods LLP
9000 World Trade Center
101 W. Main Street
Norfolk, VA 23510

Counsel for Debtors

Dion W. Hayes, Esquire
James S. Sheerin, Esquire
Sarah Beckett Boehm, Esquire
McGuire Woods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

Counsel for Debtors

Gregg M. Galardi, Esquire
Skadden Arps Slate Meagher & Flom, LLC
One Rodney Square
Post Office Box 636
Wilmington, Delaware 19899-0636

Counsel for Debtors

Chris L. Dickerson, Esquire
Skadden Arps Slate Meagher & Flom, LLC
333 West Wacker Drive
Chicago, IL 60606

Counsel for Debtors

Robert Van Arsdale, Esquire
Assistant U.S. Trustee
Office of the U.S. Trustee
701 East Broad Street, Suite 4304
Richmond, VA 23219

Office of the U.S. Trustee

Linda K. Myers, Esquire
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, Illinois 60601

Special Counsel for Debtors

David S. Berman, Esquire
Riener & Braunstein, LLP
Three Center Plaza, 6th Floor
Boston, Massachusetts 02108

Counsel for Bank of America, N.A.

Bruce Matson, Esquire
LeClair Ryan
Riverfront Plaza, East Tower
951 East Byrd Street, 8th Floor
Richmond, Virginia 23219

Counsel for Bank of America, N.A.

Lynn L. Tavenner, Esquire
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia 23219

*Counsel for the Official Committee of
Unsecured Creditors*

Jeffrey N. Pomerantz, Esquire
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Boulevard, 11th Floor
Los Angeles, CA 90067

Counsel for the Creditors Committee

Robert J. Feinstein, Esquire
Pachulski Stang Ziehl & Jones LLP
780 Third Avenue, 26th Floor
New York, New York 10017

Counsel for the Creditors Committee